



Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality

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June 14, 2005

DEQ-NWR # 176 COMM

Mr. Timothy King
Union Carbide Corporation
3200 Kanawha Turnpike
P. O. Box 8361
South Charleston WV 25303

Mr. Frank King
Elkem Metals Company LP
P. O. Box 266
Pittsburg PA 15230

RE: NOTICE TO RESPONSIBLE PARTIES OF NO
FURTHER ACTION FOR THE WMR PORTION OF
THE UNION CARBIDE SITE, REREFERENCE
PARCELS 2N1W36C 600, 2N1W36C 700, AND
2N1W36C 1200, Consent Order WMCSR-NWR-99-21,
ECSI File #176, Union Carbide Site, Portland Oregon

Dear Tim and Frank:

The Department of Environmental Quality (DEQ) notified Union Carbide Corporation (Union Carbide) and Elkem Metals Company LP (Elkem) of its intent to propose a No Further Action (NFA) for the WMR property in a letter dated April 25, 2005. The WMR property is comprised of reference parcels 2N1W36C 600, 2N1W36C 700, and 2N1W36C 1200. The April 2005 letter indicated that DEQ would propose a NFA for the WMR portion of the site that would allow the current property owners to move ahead fully with any property development and/or sale but that the NFA action would not be complete until all work on the remaining 10-acre portion of the site east of Columbia Boulevard is complete. DEQ's NFA process begins with requesting public comment on the proposed actions for the site during a public comment period, includes responding to any public comments received, and ends with issuing a final determination and press release.

In a memo dated April 15, 2005, DEQ proposed to issue a NFA for the WMR property portion of the site. A notice of chance to comment was published in The Oregonian on May 1, 2005, and a public comment period was held between May 1 and 31, 2005. No comments were received on DEQ's proposed action for this site. No further action will be required for the WMR property portion of the site under Oregon Environmental Cleanup Law, ORS 465.200 et seq., unless additional information becomes available in the future regarding Union Carbide's or Elkem's historic operations and ownership of the WMR property which warrants further investigation and/or remedial action. Because no further action is required for the WMR property portion of the site, and no engineering or institutional controls are in effect, the WMR property would no longer meet the criteria for listing on the Confirmed Release or Inventory Lists. However, removal from these lists, and also finalization of the NFA action for the WMR property, will be addressed in the future during DEQ's final action for the remaining 10-acre portion of the site.

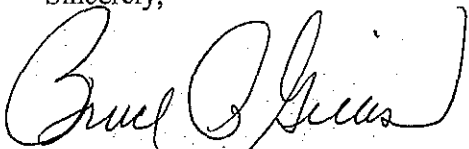


Union Carbide and Elkem have completed all work for the WMR property portion of the site as specified in the Consent Order WMCSR-NWR-99-21, as well as additional requirements specified in DEQ-approved work plans. DEQ will address completion of work under the Consent Order, and issuance of a Certificate of Completion, only when all work has been completed for the remaining 10-acre portion of the site and DEQ then takes its final action. Until the work is completed for the remaining 10-acre portion of the site Consent Order WMCSR-NWR-99-21 will remain in effect and DEQ will continue to invoice Union Carbide and Elkem for oversight costs. DEQ will issue a press release regarding issuance of an NFA for the WMR property.

DEQ's April 2005 letter also included a requirement for well abandonment. When all wells on the WMR property portion of the site will no longer be used the wells must be abandoned in accordance with Oregon Department of Water Resources administrative rules (Chapter 690, Division 240). DEQ requests written notification when well abandonment is complete. DEQ also stated in the April 2005 letter that locating and abandoning two former production wells on the WMR property is the responsibility of the current property owner and not a condition of the NFA. DEQ will notify the current property owner in a letter transmitting a copy of this NFA final notice that the wells must be located and abandoned and, without confirmation that this has been accomplished, DEQ will refer the site to Oregon Department of Water Resources.

We appreciate your efforts to address the hazardous substances released at this site. Cooperative efforts between responsible parties and DEQ continue to improve Oregon's environment and enhance the livability of our state. Please contact Mavis D. Kent, Project Manager, at 503-667-8414 extension 55008 if you have any questions regarding the No Further Action for the WMR property portion of the Union Carbide site.

Sincerely,



Bruce Gilles
Manager, Northwest Cleanup & Emergency
Response Section

pc: Jeff Davis, Davis Property & Investment; Mavis D. Kent, Gil Wistar, Kim Van Patten, Janelle Waggy, DEQ; Larry Edelman
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